

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: GARY MCINTIRE	DOCKET NO. WRU-00-28 (ES-263)
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ORDER DENYING WAIVER

(Issued September 21, 2000)

On April 18, 2000, Gary McIntire filed a request that the Utilities Board (Board) waive the requirements in 199 IAC 22.8(3)"a"(3) for establishing one-way extended area service (EAS) from Lockridge, Iowa, to Fairfield, Iowa. The Lockridge and Fairfield exchanges are served by Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom, successor to GTE Midwest Incorporated. The waiver request has been identified as Docket No. WRU-00-28. Mr. McIntire requested the waiver after the Board dismissed the request for one-way EAS from Lockridge to Fairfield in Docket No. ES-263. The request for one-way EAS was dismissed based upon the ballot results which did not meet the requirement of 199 IAC 22.8(3)"a"(3), that more than 65 percent of those returning ballots must vote in favor of the one-way EAS.

Mr. McIntire asserts that the waiver should be granted since Lockridge has EAS to Mount Pleasant, Iowa, and this satisfies the need for EAS for some customers. He also asserts that the number of customers who returned ballots was too low to obtain an accurate measurement of interest. John R. Kelley, Superintendent of

Schools for the Fairfield Community School District, filed a letter in support of the waiver. Mr. Kelley points out that Lockridge is part of the Fairfield Community School District and Fairfield and Lockridge are in separate area codes, which makes calls from the school to Lockridge toll calls.

The Board has considered the waiver request and finds that it should be denied. The considerations presented by Mr. McIntire and Mr. Kelley are important concerns when addressing a waiver of the Board's EAS rules. The Board believes that the objective standard ensures that the community of interest is sufficient to warrant the surcharge for the service. There have now been four ballots taken for approval of one-way EAS from Lockridge to Fairfield. The results of these ballots are: 1990, 51 percent; 1992, 35 percent; 1998, 53 percent; and 2000, 55 percent. These results do not show that there is a sufficient community of interest between the two towns.

The 65 percent standard for approval of EAS is a standard that the Board has applied consistently in many other cases and that the Board feels is essential before adding an EAS surcharge to customers bills. The surcharge for the one-way EAS would be \$4.04, and the Board believes that this surcharge should not be added to customer bills without the 65 percent approval being met.

IT IS THEREFORE ORDERED:

The request for waiver of 199 IAC 22.8(3)"a"(3) is denied.

UTILITIES BOARD

/s/ Allan T. Thoms

/s/ Susan J. Frye

ATTEST:

/s/ Raymond K. Vawter, Jr. /s/ Diane Munns
Executive Secretary

Dated at Des Moines, Iowa, this 21st day of September, 2000.